

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AGATA GARBACZ, as Parent and	:	CIV. NO. 3:23-cv-01200
Natural Guardian of E.G., a Minor.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	(Magistrate Judge Schwab)
	:	
LM GENERAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

PRETRIAL ORDER

August 2, 2024

IT IS ORDERED that the following pretrial and trial deadlines will govern this action:

Motions in Limine Due: **November 7, 2024**

Local Rule 16.3 – Attorney Conference and
Exchange of Proposed Jury Instructions:
On or before: **December 12, 2024**

Pretrial Memoranda Due:¹ **December 23, 2024**

Proposed Voir Dire Questions Due: **December 23, 2024**

Joint Summary of the Case Due: **December 23, 2024**

Proposed Jury Instructions Due: **December 23, 2024**

¹ The Pretrial Memoranda form is available on the court' website: <http://www.pamd.uscourts.gov>.

Special Verdict Form Due:	December 23, 2024
Objections to Exhibits, Proposed Voir Dire Questions and Proposed Jury Instructions:	January 2, 2025
Final Pretrial and Settlement Conference:	January 9, 2025, at 10:00 a.m.
Trial Briefs Due:	January 21, 2025
Jury Selection and Trial:	January 28, 2025, at 9:30 a.m.,

I. Motions in Limine.

Motions in limine and supporting briefs shall be filed no later than **November 7, 2024**. A brief in opposition to any motion in limine shall be filed within 14 days after the brief in support is filed. Any reply brief shall be filed within 14 after the brief in opposition is filed.

II. Pretrial.

1. In preparation for the pretrial conference and prior to the date scheduled for the submission of the pretrial memoranda, counsel for the parties shall hold the attorneys' conference required by Local Rule 16.3. This conference shall be held on or before **December 12, 2024**, and this conference shall be in-person or by Zoom, unless the Court, upon written request, approves another arrangement. Failure of the plaintiff to initiate the holding of the conference or the defendant to respond to such initiative in an appropriate manner may result in the imposition of sanctions, including possible dismissal of the action.

2. Each party shall file on or before **December 23, 2024**, a pretrial memorandum in conformity with the local rules. Failure to timely file pretrial memoranda will result in an appropriate sanction. Fed. R. Civ. P. 16(f).

3. On or before **December 23, 2024**, counsel shall each file any proposed voir dire questions that they want the court to ask prospective jurors during jury selection.

4. On or before **December 23, 2024**, counsel shall file a joint agreed-upon summary of the case. The court will read this statement as part of jury selection. It should be a brief neutral overview of the case.

5. On or before **December 23, 2024**, counsel shall each file proposed jury instructions, in conformity with Local Rule 51.

6. On or before **January 2, 2025**, counsel shall each file any objections that they have to the other's exhibits, proposed voir dire questions, or proposed jury instructions.

7. A pretrial conference will be held in person on **January 9, 2025, at 10:00 a.m.**, at the Sylvia H. Rambo United States Courthouse, 1501 North 6th Street, Harrisburg, Pennsylvania before the undersigned. On arrival please report to the Clerk's Office.

8. Local Rule 16.2(b) applies to this conference, including the requirements relating to parties with settlement authority.

9. Counsel who will try the case shall attend the pretrial conference unless the Court, upon written request, approves the substitution of another attorney who is fully familiar with the case and has the settlement authority required by Local Rule 16.2(b).

10. At the pretrial conference, plaintiff shall be required to set forth the elements of her claims, and counsel for the defendant shall be required to identify any legal defenses the defendant expects to make. It should be noted that the Court expects to hold counsel to the course they outline here unless good cause is shown for allowing additional legal theories, claims and/or defenses to be argued at trial and unless this court is apprised of these additional legal theories, claims and/or defenses in sufficient time to consider and evaluate them before trial.

11. Trial briefs shall be filed by **January 21, 2025**.

III. Trial.

1. The trial of this case shall begin with jury selection at **9:30 a.m. on January 28, 2025**, in Courtroom 6B at the Sylvia H. Rambo United States Courthouse, 1501 North 6th Street, Harrisburg, Pennsylvania.

2. Prior to the commencement of trial, counsel shall each submit three complete exhibit lists (see attached form) and three complete sets of exhibits for the Court's use, in addition to the originals that will be offered into evidence.

3. If the parties intend to use depositions at trial in place of live testimony, they shall review the depositions prior to the time of trial. If there are objections that cannot be resolved among counsel, said objections and copies of the relevant depositions shall be submitted to the court at least 15 days prior to trial. If counsel fail to meet the time requirement in this paragraph, the court may, in its discretion, deem the objections withdrawn. If the deposition to be used is videotaped, a transcript must be provided to the court in advance of trial.

4. Videotape equipment shall be set up in the courtroom prior to the commencement of trial in the morning, if its use is anticipated in the morning, or during the lunch break, if its use is anticipated in the afternoon.

5. If the trial presentations involve a large number of audio-visual displays requiring use of specialized courtroom facilities designed for the presentation of evidence that is displayed in various electronic media, the parties shall make arrangements through Deputy Clerk, Amanda Endy, at (717) 221-3941 or Amanda_Endy@pamd.uscourts.gov two weeks prior to trial to receive training on the use of courtroom-presentation software and equipment to ensure that all technological issues are fully resolved well in advance of trial.

S/Susan E. Schwab
Susan E. Schwab
United States Magistrate Judge